



State of Wisconsin | DEPARTMENT OF NATURAL RESOURCES

Tommy G. Thompson, Governor
George E. Meyer, Secretary
Ronald W. Kazmierczak, Regional Director

Northeast Region Headquarters
1125 N. Military Ave., P.O. Box 10448
Green Bay, Wisconsin 54307-0448
Telephone 920-492-5800
FAX 920-492-5913
TDD 920-492-5912

October 9, 2000

Mr. Ron Tillmann
Tillmann Landscape Nursery
2735 University Avenue
Green Bay, Wisconsin 54311

Subject: Case Closure with Groundwater Use Restriction, Tillmann Landscape Nursery,
2735 University Avenue, Green Bay, Wisconsin BRRTS #: 03-05-001839

Dear Mr. Tillmann:

The Department has received a copy of the completed groundwater use restriction for the above referenced site and proof of filing this record with the Brown County Register of Deeds. Based on the investigative and remedial documentation provided to the Department, it appears that the petroleum contamination at the above named site has been remediated to the extent practicable under current site conditions. Therefore, conditional closure of this site has been granted and no further action is necessary at this time. In the future, this groundwater use restriction may be amended with approval from the Department if conditions change at the site and the residual contamination has been remediated.

If you have any additional relevant information concerning this matter which was not formerly provided to the Department, you should submit this information to the Department for reevaluation.

The Department's records will reflect final "closure." If you have any questions regarding this determination, please contact me in Green Bay at 920-492-5861. The Department appreciates your company's actions in remediating this site.

Yours truly,

Alan Thomas Nass, P.G., P.S.
Hydrogeologist

cc: James Rabideau, ECCI, P.O. Box 11417, Green Bay, Wisconsin 54307

881898-A

J 1969 1 44

James F. Wittig and Mary Wittig Ziegler, Grantors,

REGISTER OF DEEDS
BROWN COUNTY

COPY

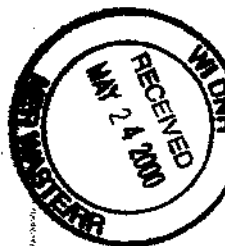
FEB 13 1978

AT 2:15 O'CLOCK P.M.

REGISTER OF DEEDS

3.00

RETURN TO

T. H. Man Landscape
2735 University Ave
G.B.the following described real estate in Brown County,
State of Wisconsin:

Part of the Fractional Southwest Quarter, Section 27; part of the Fractional Southeast Quarter, Section 28; part of the Northwest Quarter of the Northwest Quarter, Section 34 all located in Township 24 North, Range 21 East and part of Private Claim 45, East Side of Fox River, City of Green Bay, Brown County, Wisconsin, described by:

Tax Key No.

Beginning at a point where the easterly right-of-way line of proposed I. H. 43 intersects the northerly right-of-way line of University Avenue (S.T.H. 54-57), said point of beginning being South 58 degrees 46 minutes 12 seconds East 203.00 feet from the Northwestern corner of the said Section 34; thence North 26 degrees 25 minutes 22 seconds West along the said easterly right-of-way line of proposed I. H. 43 a distance of 1397.84 feet; thence continuing along the said easterly right-of-way line on a tangential curve concave northeasterly chord North 25 degrees 09 minutes 52 seconds West 6.51 feet, radius 721.47 feet, central angle 0 degrees 31 minutes 00 seconds 6.51 feet to the southerly line of Private Claim 46, East Side of Fox River; thence South 65 degrees 08 minutes 58 seconds East along the said southerly line 1062.11 feet to the southwesterly line of the property described in Volume 342 Deeds Page 101 Brown County Records; thence South 47 degrees 24 minutes 13 seconds East along the said southwesterly line 480.79 feet to the northerly right-of-way line of University Avenue (S.T.H. 54-57); thence along the said northerly right-of-way line on a curve concave northwesterly chord South 52 degrees 57 minutes 07.5 seconds West 642.12 feet, radius 2231.83 feet, central angle 16 degrees 32 minutes 31 seconds 644.36 feet; thence South 61 degrees 13 minutes 23 seconds West along the said northerly right-of-way line 205.70 feet to the point of beginning. (see attached)

~~Exception to homestead property~~
(See attached)

This is not homestead property.

Dated this 20th day of January, 1978.

TRANSFER

\$ 100.00

FEE

(SEAL)

James F. Wittig

(SEAL)

(SEAL)

Mary Wittig Ziegler

(SEAL)

AUTHENTICATION

Signatures authenticated this day of

19

ACKNOWLEDGMENT

STATE OF WISCONSIN

BROWN

County.

ss.

Personally came before me, this 20th day of

January, 1978 the above named

James F. Wittig and Mary Wittig Ziegler

TITLE: MEMBER STATE BAR OF WISCONSIN

(If not,
authorized by § 706.06, Wis. Stats.)

This instrument was drafted by

Attorney Robert D. Cook

to me known to be the person who executed the foregoing instrument and acknowledged the same.

Robert D. Cook

Notary Public Brown County, Wis.

My Commission is permanent. (If not, state expiration date)

xxxxx

(Signatures may be authenticated or acknowledged. Both are not necessary.)

James F. Wittig, one of the grantors herein, hereby certifies that he is one in the same person as the James Wittig who appears as a grantee on deeds to the aforescribed property dated December 31, 1975 and January 7, 1976.

This Deed is given in satisfaction of a land contract by and between the parties hereto dated April 5, 1976 and recorded April 9, 1976 at 3:44 P.M. at Jacket 182 Records Image 25 as document number 830154.

Dated this 20th day of January, 1978, at Green Bay, Wisconsin.

Mary Wittig Ziegler
Mary Wittig Ziegler

James F. Wittig
James F. Wittig, a/k/a James Wittig

STATE OF WISCONSIN)
COUNTY OF BROWN) SS

Personally came before me this 20th day of January, A.D., 1978, the above Mary Wittig Ziegler and James F. Wittig, to me known to be the persons who executed the foregoing instrument and acknowledged the same.

Robert D. Cook
Robert D. Cook
Notary Public, Brown County
My Commission is permanent.

1771985

Document Number

GROUNDWATER USE RESTRICTION

BROWN COUNTY
REGISTER OF DEEDS
CATHY WILLIQUETTE

2000 SEP 13 A 10:48

COPY

16.00
4Declaration of Restrictions

In Re: Part of the Fractional Southwest Quarter, Section 27;
part of the Fractional Southeast Quarter, Section 28;
part of the Northwest Quarter of the Northwest
Quarter, Section 34 all located in Township 24 North,
Range 21 East and part of Private Claim 45, East
Side of the Fox River, City of Green Bay, Brown
County, Wisconsin, described by:

Beginning at a point where the easterly right-of-way
line of proposed I. H. 43 intersects the northerly
right-of-way line of University Avenue (S.T.H. 54-
57), said point of beginning being South 58 degrees
46 minutes 12 seconds East 203.00 feet from the
Northwesterly corner of the said Section 34; thence
North 26 degrees 25 minutes 22 seconds West along
the said easterly right-of-way line of proposed I. H.
43 a distance of 1397.84 feet; thence continuing along
the said easterly right-of-way line on a tangential curve concave northeasterly
chord North 25 degrees 09 minutes 52 seconds West 6.51 feet, radius 721.47 feet,
central angle 0 degrees 31 minutes 00 seconds 6.51 feet to the southerly line of
Private Claim 46, East Side of Fox River; thence South 65 degrees 08 minutes 58
seconds East along the said southerly line 1062.11 feet to the southwesterly line
of the property described in Volume 342 Deeds Page 101 Brown County Records;
thence South 47 degrees 24 minutes 13 seconds East along the said southwesterly
line 480.79 feet to the northerly right-of-way line of University Avenue (S.T.H.
54-57); thence along the said northerly right-of-way line on a curve concave
northwesterly chord South 52 degrees 57 minutes 07.5 seconds West 642.12 feet,
radius 2231.83 feet, central angle 16 degrees 32 minutes 31 seconds 644.36 feet;
thence South 61 degrees 13 minutes 23 seconds West along the said northerly
right-of-way line 205.70 feet to the point of beginning.

Recording Area

Name and Return Address
Tillmann Landscape Nursery
Jeff Tillmann
2735 University Avenue
Green Bay, Wisconsin 54311

Parcel Identification Number (PIN)

STATE OF WISCONSIN)
) ss
COUNTY OF BROWN)

WHEREAS, Tillmann Landscape Nursery, Inc. is the owner of the above-described
property.

WHEREAS, one or more petroleum discharges have occurred on this property. Petroleum-contaminated groundwater above ch. NR 140, Wis. Adm. Code enforcement standards existed on this property at the following locations on the following date: On June 29, 1999, monitoring well MW-2 with benzene at 60 micrograms per liter (ug/l), and methyl tert-butyl ether at 180 ug/l, monitoring well MW-3 with benzene at 2,500 ug/l, ethylbenzene at 710 ug/l, toluene at 420 ug/l, trimethylbenzenes at 570 ug/l and xylenes at 900 ug/l, monitoring well MW-10 with benzene at 17 ug/l. Location of monitoring wells is provided on Figure 1 attached and made part of this restriction.

WHEREAS, it is the desire and intention of the property owner to impose on the property restrictions which will make it unnecessary to conduct further groundwater or soil remediation activities on the property at the present time.

WHEREAS, natural attenuation has been approved by the Department of Natural Resources to remediate groundwater contamination exceeding ch. NR 140, Wis. Adm. Code groundwater standards within the boundaries of this property.

WHEREAS, construction of wells where the water quality does not comply with drinking water standards in ch. NR 809, Wis. Adm. Code is restricted by chs. NR 811 and NR 812, Wis. Adm. Code. Special well construction standards or water treatment requirements, or both, or well construction prohibitions may apply.

NOW THEREFORE, the owner hereby declares that all of the property described above is held and shall be held, conveyed or encumbered, leased, rented, used, occupied and improved subject to the following limitation and restrictions:

Anyone who proposes to construct or reconstruct a well on this property is required to contact the Department of Natural Resources' Bureau of Drinking Water and Groundwater, or its successor agency, to determine what specific requirements are applicable, prior to constructing or reconstructing a well on this property. No well may be constructed on this property unless applicable requirements are met.

If construction is proposed on this property that will require dewatering, or if groundwater is to be otherwise extracted from this property, while this groundwater use restriction is in effect, the groundwater shall be sampled and analyzed for contaminants that were previously detected on the property and any extracted groundwater shall be managed in compliance with applicable statutes and rules.

This restriction is hereby declared to be a covenant running with the land and shall be fully binding upon all persons acquiring the above-described property whether by descent, devise, purchase or otherwise. This restriction benefits and is enforceable by the Wisconsin Department of Natural Resources, its successors or assigns. The Department, its successors or assigns, may initiate proceedings at law or in equity against any person

or persons who violate or are proposing to violate this covenant, to prevent the proposed violation or to recover damages for such violation.

Any person who is or becomes owner of the property described above may request that the Wisconsin Department of Natural Resources or its successor issue a determination that one or more of the restrictions set forth in this covenant is no longer required. Upon the receipt of such a request, the Wisconsin Department of Natural Resources shall determine whether or not the restrictions contained herein can be extinguished. If the Department determines that the restrictions can be extinguished, an affidavit, attached to a copy of the Department's written determination, may be recorded to give notice that this deed restriction, or portions of this deed restriction, are no longer binding.

By signing this document, Jeff Tillmann asserts that he is duly authorized to sign this document on behalf of Tillmann Landscape Nursery, Inc.

IN WITNESS WHEREOF, the owner of the property has executed this Declaration of Restrictions, this 13 day of September, 2000.

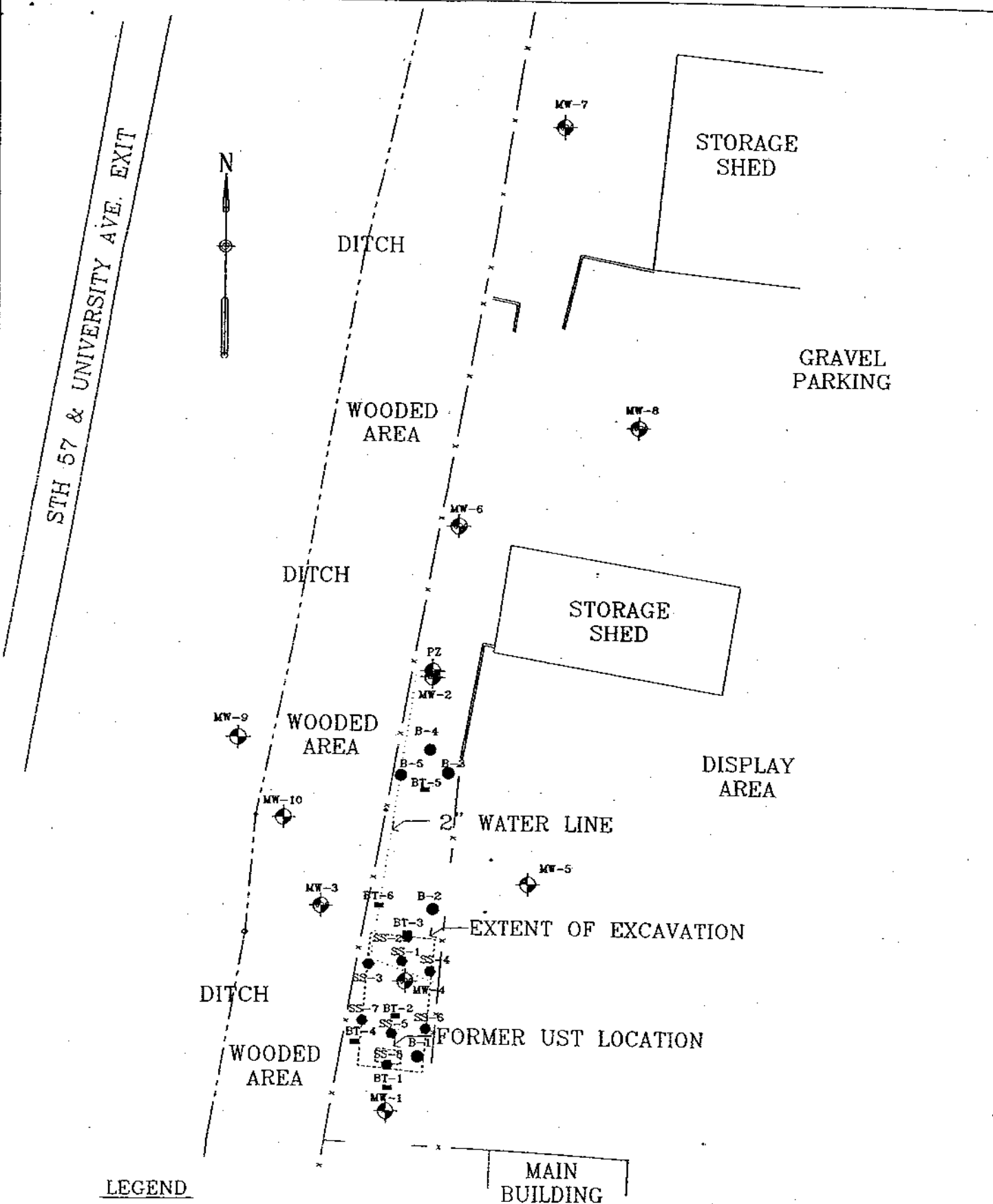
Signature: Jeffrey A. Tillmann
 Printed Name: Jeff Tillmann
 Title: Vice President

Subscribed and sworn to before me
 this 13 day of September, 2000.

Wally Wilginski
 Notary Public, State of Wisconsin
 My commission expires as per statute

This document was drafted by the Wisconsin Department of Natural Resources based on information provided by James Rabideau, Environmental Compliance Consultants, Inc.

1771985



LEGEND

- MW-2 MONITORING WELL
- SB-1 SOIL BORING LOCATION
- T-1 PROBE LOCATION
- FENCE/LIMITS OF RIGHT-OF-WAY
- SS-1 SOIL SAMPLES FROM EXCAVATION
- CONTOUR INTERVAL = 1 FOOT

TILLMANN LANDSCAPE NURSERY, INC.

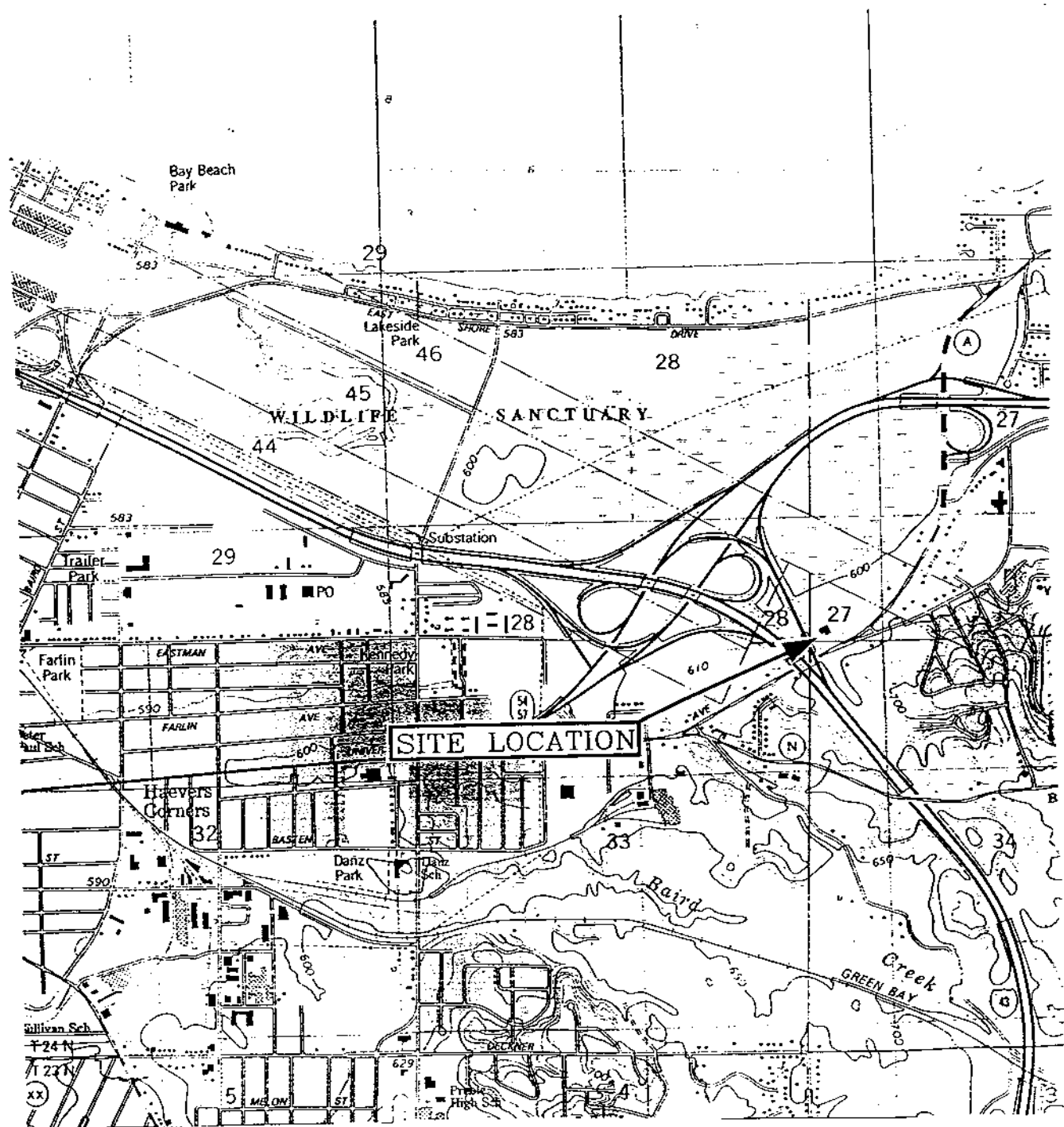
Figure 1
SITE PLOT PLAN

SCALE: 1"=50'

DATE: 3/31/98

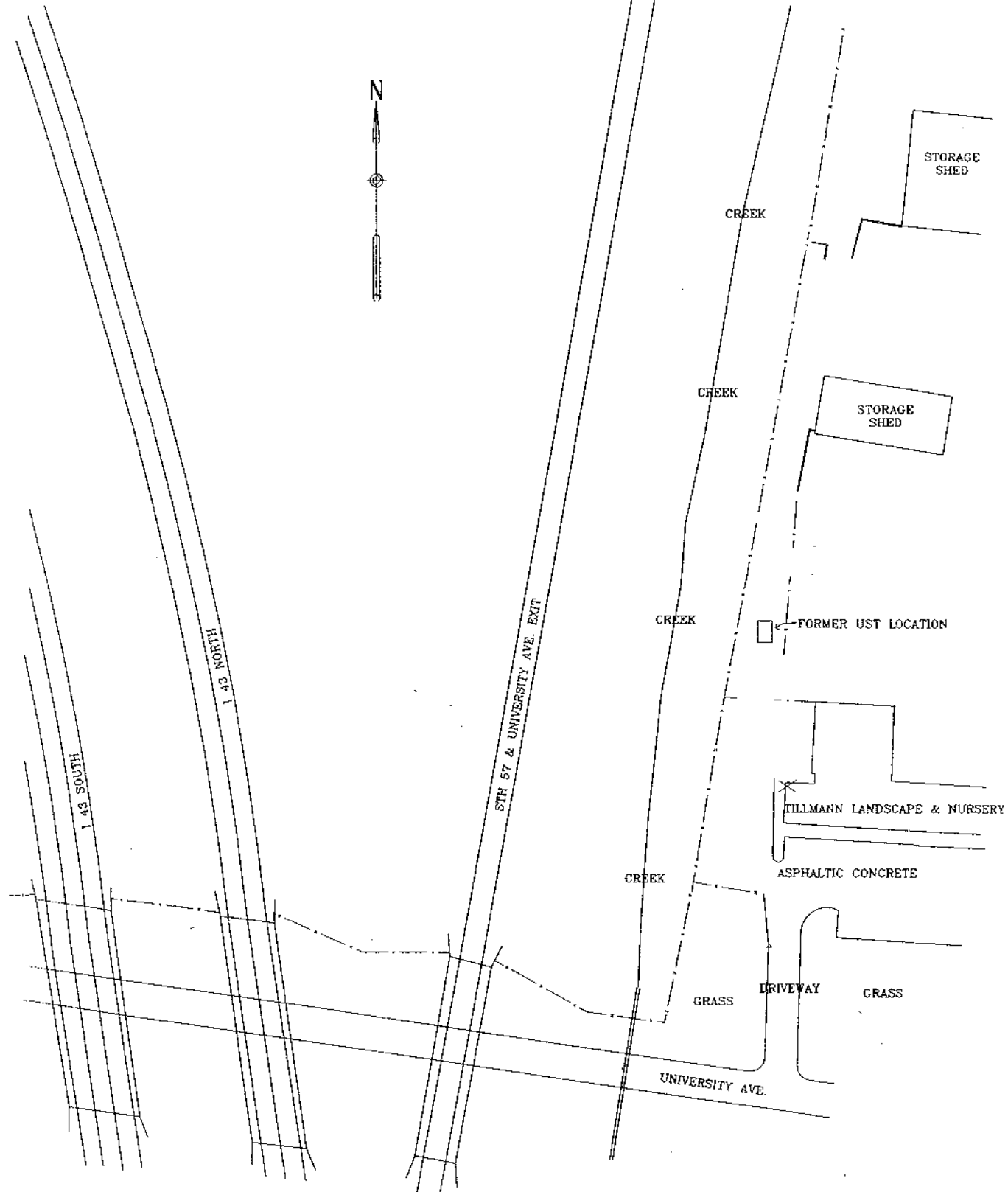
Environmental Compliance Consultants, Inc.

BY: DJC



NOTE: Taken from the
GREEN BAY EAST
 7.5 Minute USGS
 Topographic Map 1982

TILLMANN LANDSCAPE NURSERY - GREEN BAY, WISCONSIN	
FIGURE 1 SITE LOCATION MAP	
SCALE: 1" = 2000'	DATE: NOVEMBER 1994
Environmental Compliance Consultants, Inc.	BY: T. GUSENEFF



LEGEND

- FENCE/LIMITS OF RIGHT-OF-WAY
- 7 RETAINING WALL

TILLMANN LANDSCAPE NURSERY, INC.

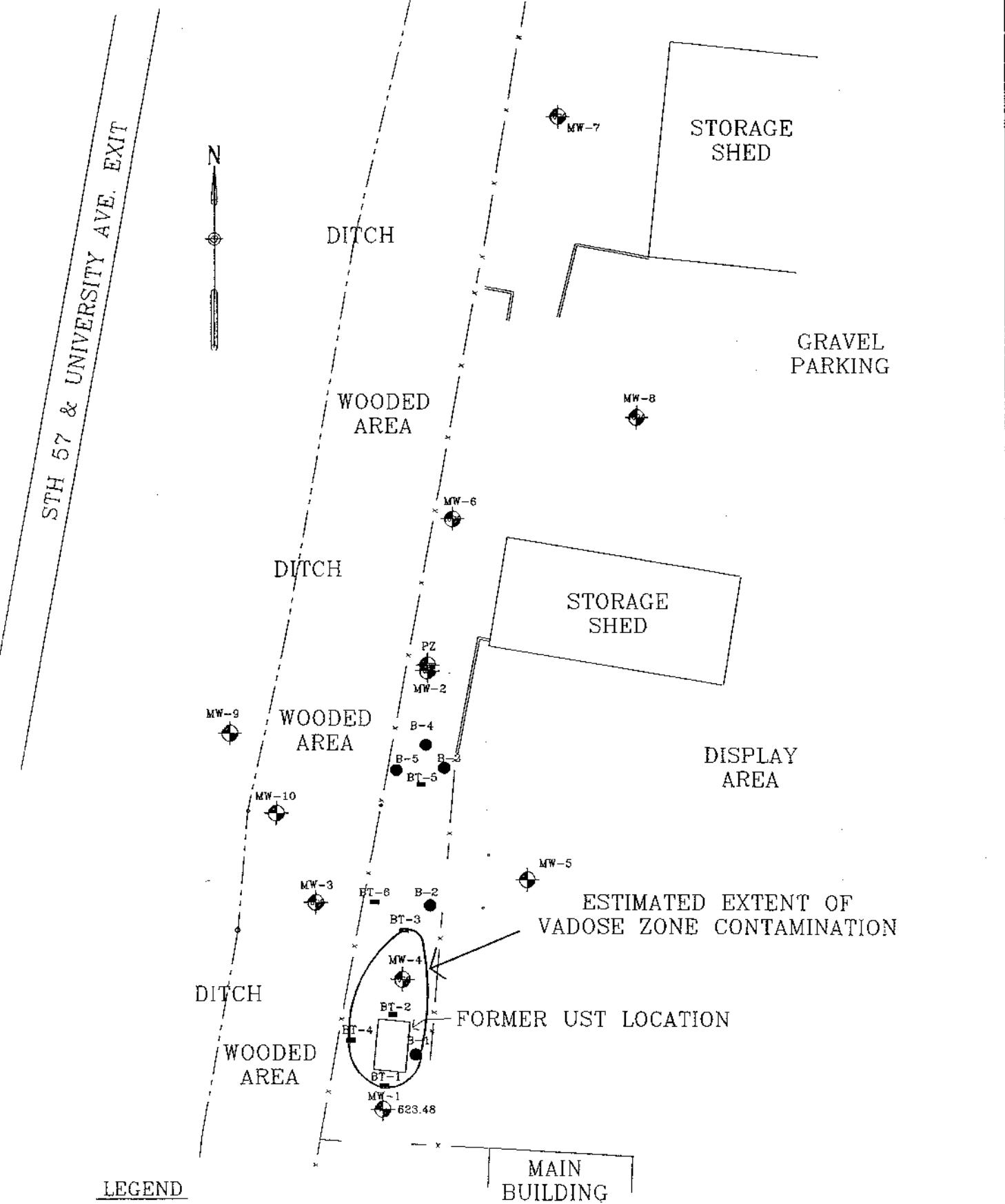
FIGURE 2 SITE LAYOUT/PLOT PLAN

SCALE: 1"=100'

DATE: 3-27-97

Environmental Compliance Consultants, Inc.

BY: DJC



LEGEND

- MW-2 MONITORING WELL
- SB-1 SOIL BORING LOCATION
- T-1 PROBE LOCATION
- FENCE/LIMITS OF RIGHT-OF-WAY

TILLMAN LANDSCAPE NURSERY, INC.

FIGURE 6
EXTENT OF VADOSE ZONE CONTAMINATION

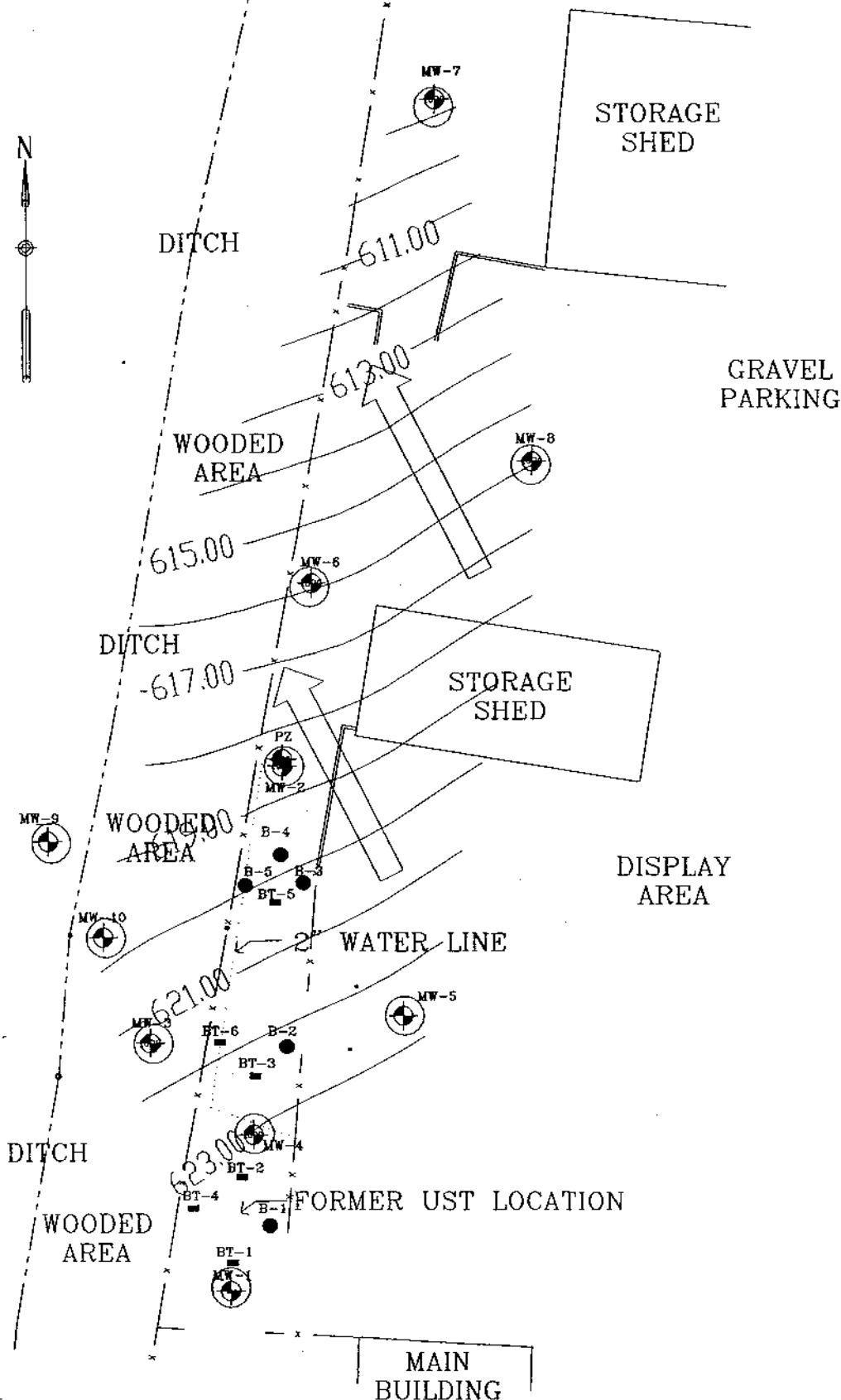
SCALE: 1"=50'

DATE: 11-17-97

Environmental Compliance Consultants, Inc.

BY: DJC

STH 57 & UNIVERSITY AVE. EXIT



LEGEND

- MW-2 MONITORING WELL
- SB-1 SOIL BORING LOCATION
- T-1 PROBE LOCATION
- FENCE/LIMITS OF RIGHT-OF-WAY
- CONTOUR INTERVAL = 1 FOOT

TILLMANN LANDSCAPE NURSERY, INC.

FIGURE 7
WATER TABLE MAP (JUNE 1999)

SCALE: 1"=50'

DATE: 3/31/98

Environmental Compliance Consultants, Inc.

BY: DJC

TABLE 3
GROUNDWATER ANALYTICAL RESULTS
TILLMAN LANDSCAPE NURSERY

PARAMETER	MW-2											
	20-Feb-96	25-Sep-96	29-Apr-97	13-Aug-97	04-Mar-98	15-Jun-98	26-Aug-98	24-Nov-98	19-Mar-99	29-Jun-99		
Benzene	<6	100	8	na	390	400	200	85	35	60		
Ethylbenzene	<1	2.6	<3	na	<130	150	140	83	3	18		
MTBE	<1	200	200	na	14000	150	6.5	140	200	180		
Toluene	<1	2.6	5.8	na	700	56	14	19	0.88	1.6		
1,2,4-Trimethylbenzene	<1	<1	1.1	na	<250	110	110	62	<86	5.4		
1,3,5-Trimethylbenzene	<1	<1	0.8	na	900	29	85	15	<54	0.8		
Total TMB	nd	nd	1.9	na	900	139	175	77	nd	6.2		
m+p-Xylene	<1	<1	11	na					<97	11		
o-Xylene	<1	<1	8	na					0.49	0.84		
Total Xylenes	nd	nd	19	na	550	510	180	98	0.49	11.84		
Naphthalene	<1	na	na	na	na	na	na	na	na	na		
n-Propylbenzene	<1	na	na	na	na	na	na	na	na	na		
Lead	<2	na	na	na	na	na	na	na	na	na		
GRG	<50	na	na	na	na	na	na	na	na	na		
Total VOC	<11.6	305.2	234.7	na	16540	1405	715.5	502	239.37	277.64		
Total BTEX	<4.6	105.2	32.8	na	1640	1116	534	285	39.37	91.44		
Temperature (Celsius)	na	na	na	na	4	11.8	15.2	na	6	15.25		
D.O. (mg/L)	na	na	na	na	1.2	0.4	0.4	na	1.4	1		
Total Iron	na	na	na	na	<50	140	60	na	na	na		
Alkalinity (mg/L)	na	na	na	na	410	530	380	na	na	na		
Nitrate + Nitrite-N (mg/L)	na	na	na	na	<.05	0.11	<.05	na	na	na		
Sulfate (mg/L)	na	na	na	na	<50	72	82	na	na	na		
pH	na	na	na	na	7.6	7.5	7.8	na	8.3	na		

Results in bold indicate exceedence of Enforcement Standard (ES)

Results in Italics indicate exceedence of Preventive Action Limit (PAL)

na= not analyzed

All results given in ppb (ug/L) unless otherwise noted

nd=not detected above laboratory detection limits

TABLE 4
GROUNDWATER ANALYTICAL RESULTS
TILLMAN LANDSCAPE NURSERY

PARAMETER	20-Feb-96	25-Sep-96	29-Apr-97	13-Aug-97	04-Mar-98	17-Jun-98	26-Aug-98	24-Nov-98	19-Mar-99	29-June-99
Benzene	<1	7600	1400	na	600	3200	6600	3700	1400	2600
Ethylbenzene	<1	430	230	na	250	680	820	500	890	710
MTBE	<1	180	36	na	<50	<10	<20	220	40	24
Toluene	<1	2000	260	na	190	2800	880	270	190	420
1,2,4-Trimethylbenzene	<1	290	160	na	330	610	1400	200	320	450
1,3,5-Trimethylbenzene	<1	100	63	na	<250	210	730	78	120	120
Total TMB	nd	390	223	na	330	820	2130	278	440	670
m,p-Xylene	<1	670	410	na					680	750
o-Xylene	<1	230	80	na					120	150
Total Xylenes	nd	900	490	na	610	1800	1200	450	800	900
Naphthalene	<1	na	na	na	na	na	na	na	na	na
n-Propylbenzene	<1	na	na	na	na	na	na	na	na	na
Lead	<2	na	na	na	na	na	na	na	na	na
GRO	<50	na	na	na	na	na	na	na	na	na
Total VOC	<11.6	11410	2639	na	1980	9300	11510	5418	3760	5124
Total BTEX	<4.6	10830	2360	na	1650	8480	9380	4920	3280	4530
Temperature (Celsius)	na	na	na	na	3.3	14.8	15.8	na	3	13
D.O. (mg/L)	na	na	na	na	3.8	0.4	1	na	1.8	1.4
Total Iron	na	na	na	na	1600	4900	3500	na	na	na
Alkalinity (mg/L)	na	na	na	na	470	640	600	na	na	na
Nitrate + Nitrite N (mg/L)	na	na	na	na	0.92	<0.050	0.16	na	na	na
Sulfate (mg/L)	na	na	na	na	18	310	110	na	na	na
pH	na	na	na	na	7.2	7.2	7.5	na	8.2	na

Results in bold indicate exceedence of Enforcement Standard (ES)

Results in italics indicate exceedence of Preventive Action Limit (PAL)

na= not analyzed

All results given in ppb (ug/L) unless otherwise noted
nd=not detected above laboratory detection limits

TABLE 11
GROUNDWATER ANALYTICAL RESULTS
TILLMAN LANDSCAPE NURSERY

PARAMETER	MW-10									
	29-Apr-97	13-Aug-97	04-Mar-98	17-Jun-98	26-Aug-98	24-Nov-98	19-Mar-99	29-Jun-99		
Benzene	na	7.9	1.6	14	110	28	2	17		
Ethylbenzene	na	0.56	<5	1.3	22	5.5	0.41	1.5		
MTBE	na	39	80	27	86	52	67	39		
Toluene	na	0.28	<5	<5	<5.0	1.4	<21	<27		
1,2,4-Trimethylbenzene	na	<3	<1	<1.0	18	2.1	<86	<22		
1,3,5-Trimethylbenzene	na	<25	<1	<1.0	33	<1.0	<54	<27		
Total TMB	na	nd	nd	nd	51	2.1	nd	nd		
m+p-Xylene	na	<51					<97	<43		
o-Xylene	na	<28					<37	<24		
Total Xylenes	na	nd	<5	1.7	18	2.7	nd	nd		
Naphthalene	na	<66	na	na	na	na	na	na		
n-Propylbenzene	na	<27	na	na	na	na	na	na		
Total VOC	na	47.74	81.6	44	287	91.7	69.41	57.5		
Total BTEX	na	8.74	1.6	17	150	37.6	2.41	18.5		
Temperature (Celsius)	na	na	2.4	13.1	16.6	na	2.3	16		
D.O. (mg/L)	na	na	1.8	1.2	0.8	na	2.1	2.8		
Total Iron	na	na	280	380	450	na	na	na		
Alkalinity (mg/L)	na	na	400	650	450	na	na	na		
Nitrate + Nitrite-N (mg/L)	na	na	<05	<050	<05	na	na	na		
Sulfate (mg/L)	na	na	63	57	38	na	na	na		
pH	na	na	7.5	7.4	7.5	na	8.4	na		

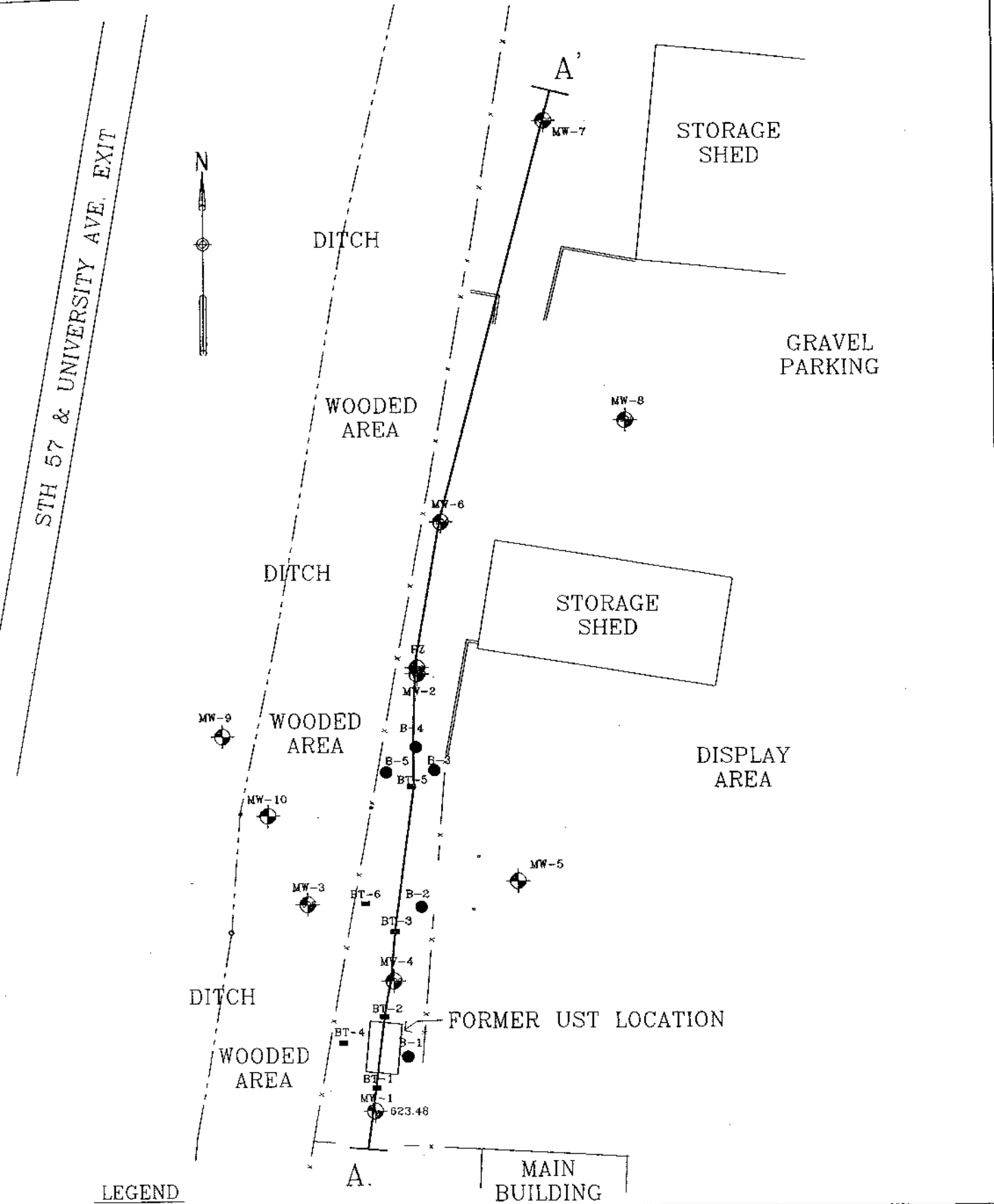
Results in bold indicate exceedance of Enforcement Standard (ES)

Results in italics indicate exceedance of Preventive Action Limit (PAL)

na= not analyzed

All results given in ppb (ug/L) unless otherwise noted

nd=not detected above laboratory detection limits



LEGEND

- MW-2 MONITORING WELL
- SB-1 SOIL BORING LOCATION
- T-1 PROBE LOCATION
- FENCE/LIMITS OF RIGHT-OF-WAY

TILLMAN LANDSCAPE NURSERY, INC.

FIGURE 4
LOCATION OF CROSS SECTION A-A

SCALE: 1"=50'

DATE: 3-27-97

Environmental Compliance Consultants, Inc.

BY: DJC

